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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in dark ink, appearing to be "CS", located to the right of the "FROM:" line.

DATE: September 12, 2016

RE: Filed Permanent Regulations: Board of Marine Pilots

Regulations re: qualifications for marine pilots, availability of marine pilots in the Western Alaska Region, and duties of marine pilots regarding collisions, allisions, and groundings (12 AAC 56.029(2); 12 AAC 56.205(b); 12 AAC 56.960(d); 12 AAC 56.990(a)(34))

Attorney General File:	JU2016200264
Regulation Filed:	September 9, 2016
Effective Date:	October 9, 2016
Print:	220, January 2017

cc with enclosures:

Linda Miller, Department of Law
Micaela Fowler, Department of Commerce, Community & Economic
Development
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF MARINE PILOTS

The attached four pages of regulations, dealing with general requirements for marine pilot license, availability of pilots, duties of pilots, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Marine Pilots adopted at its May 17, 2016 teleconference meeting, under the authority of AS 08.62.040, AS 08.62.100, AS 08.62.160, and AS 08.62.190 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

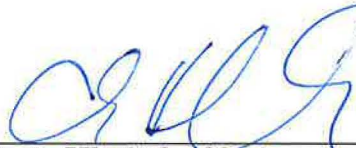
This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Marine Pilots paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE:

5/26/2016
Juneau, Alaska



Chris Hladick, Chairman,
Board of Marine Pilots

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on September 9, 2016 at 2:30p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: October 9, 2016.

Register: 220, January 2017

Chapter 56. Board of Marine Pilots.

12 AAC 56.029(2) is amended to read:

(2) show that the applicant has held a valid deputy marine pilot license in Alaska ^{this state} for a minimum of three [CALENDAR] years while remaining eligible for license renewal during this period of service without use of the familiarization trips under AS 08.62.120; (Eff. 11/1/93, Register 128; am 5/29/96, Register 138; am 3/21/99, Register 149; am 10/24/2002, Register 164; am 10/25/2002, Register 164; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 10 / 9 / 2016, Register 220)

Authority: AS 08.62.040 AS 08.62.100

12 AAC 56.205(b) is repealed and readopted to read:

(b) Except as provided in (d) of this section,

(1) in Akutan of the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. ^{lowercase} A pilot will be considered unavailable for service only if the ^{under} 48-hour notice ^{paragraph} required ^{lowercase} by this subsection is given and a pilot does not show up at the vessel to render service. ^{lowercase} If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 48 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. ^{lowercase} If the 48-hour notice is ^{under} not given as required ^{paragraph} by this subsection and a pilot is not able to reach the vessel to render pilot

(7)

services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services;

(2) in the Pribilof Islands, Port Clarence, and the Kuskokwim Bay Region of the including Bethel, Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot

organization of a vessel movement at least 96 hours before the movement in order to provide

sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 96-hour notice required by this subsection is

given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 96

hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the

vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in

attempting to reach the vessel. If the 96-hour notice is not given as required by this subsection

and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner

may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel

and the pilotage charge and all other charges that would have been incurred had the pilot reached

the vessel and provided pilotage services;

(3) in all other locations of the Western Alaska Region, an agent, owner, or

master of a vessel shall inform the appropriate pilot organization of a vessel movement at least

72 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel

by the available means of transportation. A pilot will be considered unavailable for service only

if the 72-hour notice required by this subsection is given and a pilot does not show up at the

vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot

attempts to reach the vessel but cannot do so within 72 hours due to factors beyond the pilot's

control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be

charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 72-

hour notice is not given as required by this under paragraph subsection and a pilot is not able to reach the vessel to

render pilot services, the vessel or the vessel's owner may be charged for the transportation costs

incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other

charges that would have been incurred had the pilot reached the vessel and provided pilotage

services.

(Eff. 11/7/93, Register 128; am 4/7/95, Register 134; am 8/9/97, Register 143; am 5/31/2000,

Register 154; am 2/12/2005, Register 173; am 10 / 9 / 2016, Register 220)

Authority: AS 08.62.040 AS 08.62.190

12 AAC 56.960(d) is amended to read:

(d) If a vessel piloted by a state licensed pilot **is involved in a collision, allision, or grounding** [GOES AGROUND, COLLIDES WITH ANOTHER VESSEL OR DOCK, MEETS WITH ANY CASUALTY, OR IS DAMAGED IN ANY WAY], the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator may will, in the coordinator's discretion, investigate the reported incident. may discretion

(Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 5/12/78, Register 66; am 7/24/83,

Register 87; am 12/26/86, Register 100; am 8/29/87, Register 103; am 7/26/90, Register 115; am

11/7/93, Register 128; am 5/17/95, Register 134; am 6/16/96, Register 138; am 1/23/99, Register

149; am 3/15/2002, Register 161; am 10 / 9 / 2016, Register 220)

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Authority: AS 08.62.040 AS 08.62.160

regarding years of service under

has the meaning given
in 46 C.F.R. 10.107

IN

12 AAC 56.990(a)(34) is amended to read:

(34) "year" as used in AS 08.62.093(b)(1) – (4) [AS 08.62.093(b)] means the same as year in 46 C.F.R. 10.107, elsewhere, year means 365 days [10.103];

Caps

(Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 5/12/78, Register 66; am 7/24/83, Register 87; am 12/26/86, Register 100; am 8/29/87, Register 103; am 7/26/90, Register 115; am 5/13/92, Register 122; am 4/7/93, Register 126; am 10/2/93, Register 127; am 7/15/95, Register 135; am 6/16/96, Register 138; am 6/17/96, Register 138; am 1/23/99, Register 149; am 3/21/99, Register 149; am 5/31/2000, Register 154; am 3/15/2002, Register 161; am 10/24/2002, Register 164; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 11/4/2009, Register 192; am 10/28/2010, Register 196; am 10 / 9 / 2016, Register 220)

Authority: AS 08.62.040 AS 08.62.160